

(CWx), CLOSED, DISCOVERY, FOIA

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
(Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:04-cv-09040-NM -CW**

Timothy W Kahn v. United States Department of Health and
Human Services, et al
Assigned to: Judge Nora M. Manella
Referred to: Magistrate Judge Carla Woehrle
Cause: 05:552 Freedom of Information Act

Date Filed: 11/01/2004
Date Terminated: 09/09/2005
Jury Demand: Plaintiff
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

Timothy W Kahn
an individual

represented by **Bruce Aric Fields**
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V.

Defendant

United States Public Health Services
TERMINATED: 05/16/2005

represented by **Russell William Chittenden**
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Defendant

United States Surgeon General
TERMINATED: 05/16/2005

represented by **Russell William Chittenden**
(See above for address)
LEAD ATTORNEY
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Defendant

**United States Immigration and
Naturalization Service**

represented by **Russell William Chittenden**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

India Health Services

TERMINATED: 05/16/2005

Defendant**Does***1 through 10 inclusive*

Date Filed	#	Docket Text
11/01/2004	<u>1</u>	COMPLAINT against Defendants Does 1 through 10 inclusive, India Health Services, United States Immigration and Naturalization Service, United States Public Health Services, United States Surgeon General. (Filing fee \$ 150), filed by plaintiff Timothy W Kahn. (jp,) (Entered: 11/04/2004)
11/01/2004		60 Days Summons Issued re Complaint – (Discovery) 1 as to Defendants Does 1 through 10 inclusive, India Health Services, United States Immigration and Naturalization Service, United States Public Health Services, United States Surgeon General. (jp,) (Entered: 11/04/2004)
11/01/2004	<u>2</u>	CERTIFICATION AND NOTICE of Interested Parties filed by Plaintiff Timothy W Kahn. (jp,) (Entered: 11/04/2004)
11/09/2004	<u>3</u>	NOTICE of Related Case(s) filed by Plaintiff Timothy W Kahn. Related Case(s): CV 04–9034 MMM (FMOx) (rn,) (Entered: 11/16/2004)
11/17/2004		PREPARED ORDER RE TRANSFER Pursuant to General Order 224 (Related Case) by Clerk; related to CV 04–9034 MMM (FMOx). (rn,) (Entered: 11/17/2004)
12/03/2004	<u>4</u>	PROOF OF SERVICE Executed by plaintiff Timothy W Kahn, upon United States Immigration and Naturalization Service served on 11/23/2004, answer due 1/22/2005. The Summons and Complaint were served by personal, by Federal statute. Service accepted by Patricia Myles, legal assistant, authorized person to accept service of process on behalf of U.S. Attorney. Original Summons not returned. (bp,) (Entered: 12/06/2004)
12/09/2004	<u>5</u>	MINUTES: Counsel are notified that the above–entitled action has been recently assigned to this court. Judge Nora M. Manella :Court Reporter: N/A. (bp,) (Entered: 12/10/2004)
12/09/2004	<u>6</u>	STANDING ORDER by Judge Nora M. Manella, (see document for details)(bp,) (Entered: 12/10/2004)
01/24/2005	<u>7</u>	ANSWER to Complaint – (Discovery), Complaint – (Discovery) 1 filed by defendant United States Public Health Services, United States Surgeon General, United States Immigration and Naturalization Service.(bp,) (Entered: 01/27/2005)
01/24/2005	<u>8</u>	NOTICE of Interested Parties filed by Defendants United States Public Health Services, United States Surgeon General, United States Immigration and Naturalization Service. (bp,) (Entered: 01/27/2005)
02/18/2005	<u>9</u>	ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 224 (Related Case) filed. Transfer of case declined by Judge Margaret M. Morrow, for the reasons set forth on this order. Related Case No. CV 04–9034 MMM (FMOx)(rn,) (Entered: 02/18/2005)
03/21/2005	<u>10</u>	MINUTES: Counsel are notified that a scheduling conference is set for 4/25/05 at 9:00 a.m. Counsel are reminded that their joint status report in conformance with rule 26(f) and this court's requirements, in the standing order, is to be filed no later than 4/4/05 Judge Nora M. Manella.Court Reporter: N/A. (bp,) (Entered: 03/21/2005)
04/04/2005	<u>11</u>	JOINT SCHEDULING CONFERENCE REPORT Rule 26(f) Discovery Plan filed; (bp,) (Entered: 04/06/2005)
04/05/2005	<u>12</u>	STIPULATION AND ORDER by Judge Nora M. Manella : Continuing the Scheduling Conference to 5/2/2005 09:00 AM before Honorable Nora M.

		Manella.(bp,) (Entered: 04/06/2005)
05/02/2005	<u>13</u>	MINUTES OF Scheduling Conference held before Judge Nora M. Manella: Last day to join other parties and to amend pleadings 6/10/2005. Discovery cut-off 9/23/2005. Initial meeting w/settlement officer 6/10/05. Joint report due re settlement conf 6/17/05. Post discovery meeting w/settlement officer 10/7/05. Deadline for filing motions of filing notice that no motions will be filed 10/31/2005. Bench Trial set for 3/14/2005 08:30 AM before Honorable Nora M. Manella. Pretrial Conference set for 2/13/2006 10:00 AM before Honorable Nora M. Manella.Court Reporter: N/A. (bp,) (Entered: 05/03/2005)
05/02/2005	<u>14</u>	NOTICE AND REQUEST of Settlement Procedure Selection (Sp1) filed; parties request to Appear Before Magistrate Judge for settlement proceedings.(bp,) (Entered: 05/03/2005)
05/02/2005	<u>15</u>	ORDER RE: CIVIL TRIAL by Judge Nora M. Manella: Discovery cut-off 9/23/2005. Motions due by 9/23/2005. Bench Trial set for 3/14/2006 08:00 AM before Honorable Nora M. Manella. Pretrial Conference set for 2/13/2006 10:00 AM before Honorable Nora M. Manella.(bp,) (Entered: 05/03/2005)
05/12/2005	<u>16</u>	STIPULATION AND ORDER amending the complaint on file herein to substitute the United States Department of Health and Human Services (DHHS) as the nominal defendant in place of currently named defendants United States Public Health Service, United States Surgeon General, and Indian Health Service. All future filings in this case will reflect the above substitution. Defendant DHHS adopts the answer of the previously named defendants and will not be required to further repond to the complaint by Judge Nora M. Manella (bp,) (Entered: 05/16/2005)
05/19/2005	<u>17</u>	MINUTES OF IN CHAMBERS ORDER by Judge Carla Woehrle : Set Hearings: Settlement Conference set for 6/6/2005 03:00 PM before Magistrate Judge Carla Woehrle.**SEE ORDER FOR FURTHER DETAILS**Tape #: None. (dt,) (Entered: 05/19/2005)
05/23/2005	<u>18</u>	STIPULATION AND ORDER that the DHHS defendants have verified that the above-referenced documents never existed, or in fact have been provided, and that the allegations and issues in this FOIA action relative to the above-referenced documents are resolved by Judge Nora M. Manella :(bp,) (Entered: 05/23/2005)
06/01/2005	<u>19</u>	MEDIATION BRIEF FILED filed by plaintiff Timothy W Kahn. (bp,) (Entered: 06/03/2005)
06/06/2005	<u>21</u>	MINUTES OF Settlement Conference held before Judge Carla Woehrle : Agreement has been reached regarding non-monetary issues as to defendants other than Immigration and Naturalization Service ("INS"). Parties agree to confer further regarding INS issues. No agreement is reached at this time regarding claim for attorney fees. The court clerk is to contact counsel to schedule a telephonic conference regarding settlement status within ninty days.Tape #: None. (dt,) (Entered: 06/24/2005)
06/17/2005	<u>20</u>	Joint Report re settlement conference filed by Defendant United States Immigration and Naturalization Service. (bp,) (Entered: 06/24/2005)
07/22/2005	<u>22</u>	MINUTES OF IN CHAMBERS ORDER by Judge Carla Woehrle : Telephone Conference set for 9/14/2005 11:00 AM before Magistrate Judge Carla Woehrle.Tape #: None. (dt,) (Entered: 07/22/2005)
09/09/2005	<u>23</u>	STIPULATION AND ORDER that Kahn's complaint against defendants shall be, and hereby is, dismissed with prejudice pursuant to Rule41(a) of the Federal Rules of Civil Procedure, each party to bear its own costs and attorneys' fees, if any by Judge Nora M. Manella :, (Made JS-6. Case Terminated.)(bp,) (Entered: 09/09/2005)
03/09/2010	<u>24</u>	LIST OF EXHIBITS AND WITNESSES at trial. (db) (Entered: 03/11/2010)